

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
CAROL McNEELY, SCOTT D. VLK, SHILPA :
VLK, GEORGE K. BERNHARD, and DEBORAH :
JOYCE, and HARRY M. TUBER, :

on behalf of themselves and all others :
similarly situated, :

and :

DAVID T. RUDZIEWICZ, FREDERICK :
DEMAIO, DONNA R. KOBIELSKI, and :
DONNA MOLTA, :

Plaintiffs, :

-against- :

METROPOLITAN LIFE INSURANCE :
COMPANY, METROPOLITAN LIFE :
RETIREMENT PLAN FOR UNITED STATES :
EMPLOYEES, SAVINGS AND INVESTMENT :
PLAN FOR EMPLOYEES OF METROPOLITAN :
LIFE AND PARTICIPATING AFFILIATES, :
METLIFE OPTIONS & CHOICES PLAN, and :
WELFARE BENEFITS PLAN FOR EMPLOYEES :
OF METROPOLITAN LIFE AND :
PARTICIPATING AFFILIATES, :

Defendants. :

-----X

1:18-CV-00885-PAC

Electronically Filed

Oral Argument Requested

**DEFENDANTS' NOTICE OF MOTION FOR PARTIAL DISMISSAL OF
PLAINTIFFS' SECOND AMENDED COMPLAINT**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendants' Motion for Partial Dismissal of Plaintiffs' Second Amended Complaint and the supporting Declaration of Hanna E. Martin, Defendants Metropolitan Life Insurance Company ("MetLife"), as well as Metropolitan Life Retirement Plan For United States Employees ("Retirement Plan"), Savings And Investment Plan For Employees of Metropolitan

Life And Participating Affiliates (“SIP”), MetLife Options & Choices Plan (“Options & Choices Plan”), and Welfare Benefits Plan For Employees of Metropolitan Life And Participating Affiliates (“Welfare Plan”) (collectively, the “Plan Defendants”) (together with MetLife, “Defendants”) will move this Court before the Honorable Judge Paul A. Crotty, United States District Judge, at the United States Courthouse located at 500 Pearl Street, Courtroom 14C, New York, NY 10007, at a date and time to be determined by the Court, for an order, pursuant to Federal Rules of Civil Procedure Rules 12(b)(6), dismissing Plaintiffs’ ERISA and unjust enrichment claims, as well as the overtime claims of the Plaintiffs who were/are dentists, with prejudice, and for such other further relief as this Court may deem just and proper.

Dated: August 24, 2018
New York, New York

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By: /s/ Melissa C. Rodriguez

Christopher A. Parlo
chris.parlo@morganlewis.com
Melissa C. Rodriguez
melissa.rodriguez@morganlewis.com
Melissa D. Hill
melissa.hill@morganlewis.com

101 Park Avenue
New York, New York 10178
(212) 309-6000

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that, on August 24, 2018, I caused to be served a copy of Defendants' Notice of Motion to Partially Dismiss Plaintiffs' Second Amended Complaint, and Memorandum of Law in Support of Defendants' Motion to Partially Dismiss Plaintiffs' Second Amended Complaint and the Declaration of Hanna E. Martin, upon all parties of record by the Court's ECF/CM system.

/s/ Melissa C. Rodriguez
Melissa C. Rodriguez